REMARKS

Background

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). A Final Rejection dated July 2, 2003 was issued in the above-identified application. Claims 1-31 and 33-61 are pending in this application.

Claims 1, 11, 23, 36 and 49 are currently amended by the present Amendment. Claims 1, 11, 23, 36 and 49 are independent.

Telephonic Interview

Applicants appreciate the Examiner granting the telephonic interview of October 6, 2003. As discussed during the interview, the invention as recited in claim 1, as amended, includes a script and a control as separate components located at a user's computer, and further recites the script accessing functions of the control. In contrast, the Anupam reference describes a controller located at a server and a surrogate located at a user's computer. Therefore, the controller of Anupam is not the same as the control recited in claim 1, and furthermore the surrogate of Anupam is a single component different from the separate script and control recited in claim 1. Because Anupam only describes a single component at the client computer, i.e., the surrogate, it does not teach a script and a control as separate components with the script accessing the functions of the control, as recited in claim 1. The Examiner posited that the browser described in Anupam might be the same as the control recited in claim 1. The control recited in claim 1, however, works in conjunction with a separate script and a browser. The control recited by claim 1 of the present application is separate from the browser. In addition, Gavrilescu fails to cure the deficiency of Anupam. Gavrilescu describes a peer-to-peer based

cobrowsing technique that does not use a script and a control as separate components. Furthermore there is no motivation to combine Anupam and Gavrilescu because Anupam uses a server based cobrowsing technique and Gavrilescu uses a peer-to-peer cobrowsing technique. In addition, Gavrilescu teaches the use of a specialized new media type to be used for browsing with browser software that recognizes the new media type, while Anupam teaches away from new media types. For these reasons and the reasons discussed below, Applicants believe the amended claims are now in condition for allowance.

During the interview, the Examiner agreed to review the references again in view of Applicants' comments and proposed amendment reciting that the claimed control is separate from the claimed script.

Rejection Under 35 USC § 103

In the Office Action, claims 1, 2, 4-12, 14, 16-24, 30, 34, 36-39, 41-45, 47-50, 56, 58 and 60 were rejected under 35 U.S.C. §103(a) based on a proposed hypothetical combination of U.S. Patent No. 5,862,330 to Anupam et al. ("Anupam") and U.S. Patent Application Publication No. 2002/0198941 to Gavrilescu et al. ("Gavrilescu").

Anupam is directed to a system for collaborative Web browsing. As disclosed by Anupam, when a first user wishes to create a session for collaborative Web browsing, the first user connects to a server including a manager for helping to establish a collaborative browsing session. See Anupam at column 3, lns. 39-48. After receiving some information from the first user, a surrogate is created at the first user's computer. See Anupam at column 3, lns. 3-14. Then, the server assigns a new controller to the session and connects the surrogate to the controller. See Anupam at column 3, lns. 15-19. This new controller is located at the server, and

its function is to control and regulate the session. See Anupam, Fig. 1 and Anupam at column 3, lns. 15-17. The surrogate serves as the interface between the browser and the controller, and is realized using an applet; more specifically a Java applet. See Anupam at column 3, lns. 20-28. The first user can then browse the Web, and any other surrogates connected to the controller will be directed to the web page that the first user is visiting. See Anupam at column 3, lns. 33-42.

A second user can join the session by connecting to the server and choosing to join the created session. See Anupam at column 3, lns. 44-57. Once a session is chosen, a surrogate is created at the second user's computer, and the created surrogate is connected to the controller associated with the chosen session. See Anupam at column 3, ln. 63 to column 4, ln. 5. The created surrogate is realized using an applet, and the controller is located at the server. After the surrogate and the controller are connected, the second user will receive the URL of the Web pages that are visited by the first user, thereby allowing for a collaborative browsing session. See Anupam at column 4, lns. 17-25.

Therefore, Anupam discloses a collaborative browsing technique that uses a surrogate realized by an applet, wherein the applet is located at the user's computer. See Anupam at column 3, lns. 20-28. The surrogate is connected to a controller that regulates the collaborative browsing session. See Anupam at column 3, lns. 15-17. This controller is located at the server. See Anupam, Fig. 1.

Gavrilescu describes a system and methods for collaborative browsing within a peer-to-peer environment. See Gavrilescu at page 4, paragraphs 40 and Figure 1. First, a collaborative browsing session is initiated between end users, and then a first user or "leader" continuously sends synchronization messages to second and third clients until the cobrowsing session is

terminated. See Gavrilescu at page 2, paragraphs 28 and 29. The synchronization messages are used by the second and third clients to match the Web browsing of the leader. See Gavrilescu at page 2, paragraph 28.

The invention recited in claim 1, as amended, of the present application, for example, is directed to a method of enabling a first computer to synchronize with a second computer so that the second computer is caused to navigate the Internet based upon Internet navigation of the first computer. The method comprises the step of, *inter alia*, downloading, to the first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer, the first script being further operable for receiving data input by a user of the first computer and for causing the first control to communicate with a server and to transmit the data input by the user to the server, wherein the first script and the first control are separate components (see, by way of non-limiting example, FIG. 3 of the present application).

Applicants respectfully submit that Anupam does not disclose all of the features of claim 1, as amended, of the present application. For example, claim 1, as amended, of the present application recites, *inter alia*, a second computer having a second script and a second control loaded thereon wherein the second script and the second control are separate components, and downloading, to a first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer, wherein the first script and the first control are separate components.

More specifically, Anupam does not teach or describe or suggest a first control loaded on a first computer and a second control loaded on a second computer. Anupam describes a

controller, but there is one controller and it is located at the server and it functions to regulate the collaborative browsing session (See Anupam at col. 3 lines 15-18 and Fig. 1.). On the other hand, the controls, as recited in claim 1 of the present application, are located at the user's computers and can be used for transmitting data from a user to a server, among other uses. In other words, the "controller" at the server described by Anupam is not analogous to the control located at the user's computer as claimed by claim 1 of the present application.

Additionally, Anupam does not teach or describe or suggest downloading computer code comprising a first script for accessing a function of a first control wherein the script and the control are separate components. In contrast, Anupam describes creating a surrogate at a user's browser for monitoring user interaction with the browser and for reporting the user interaction to a controller. See Anupam at col. 3, lines 1-23. This surrogate is a single component and is implemented using an applet. See Anupam at col. 3, lines 24-28. Therefore, while the method of claim 1 of the present application, "combines the simplicity of a script with the flexibility and freedom of a control" (Present application, pages 3-4, paragraph 008), the surrogate of Anupam, in stark contrast, is a single component, subject to the attributes of an applet. While Anupam describes a browser and a surrogate as separate components, the browser disclosed in Anupam is not equivalent to the control recited in claim 1. It is well known in the art that browsers, such as Internet Explorer, are used to access and view sites on the Internet. On the other hand, the control recited in claim 1 of the present application is computer code that is separate from a browser and performs a particular functionality. In practice, an Internet user utilizes a browser to browse the World Wide Web, and the browser may call on a control to perform a desired functionality. For example, in one non-limiting example of the present invention, an instance of

an ActiveX control is in the form of a dll (Dynamically Linked Library), and one of its functionalities is to receive information from a script and transmit the information to a server. See present application page 19, paragraphs 48 and 49. Since browsers and controls perform different tasks, they are not equivalents, and thus Anupam does not describe a script and a control as separate components. Therefore, Anupam does not disclose all the features of claim 1.

Additionally, Anupam does not teach, as recited in claim 1, a first script accessing a function of a first control and the first script causing the first control to communicate with a server, both the script and the control being located at a user's computer. In the Office Action, on page 3, the Examiner points to col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-42 and col. 5, lines 35-46 of Anupam and contends that those sections disclose the aforementioned features of the invention as recited in claim 1.

Applicants respectfully disagree with the Examiner's contention because, as mentioned above, Anupam discloses a controller that is located at a server and which is different from the control recited in claim 1. Additionally, Anupam does not disclose a script located at a user's computer accessing functions of a control that is also located at a user's computer, or a script causing a control to communicate with a server, since in Anupam only a "surrogate" is located at the user's computer. As mentioned earlier the surrogate is a Java applet that regulates a collaborative browsing session at a user's computer. Therefore for those additional reasons, Anupam does not disclose all the features recited in claim 1.

Several benefits may be realized from using separate components, such as, for example, scripts and controls, as in the present application over a single component, such as, for example, applets, as in Anupam. For example, in some embodiments a user of the collaborative browsing

function of the present application may download a script and not a control, because the control has already been loaded on the computer, either by an earlier application or even bundled with the browser or the operating system. The collaborative browsing function described in Anupam requires all new users to download an entire applet for every collaborative browsing occasion. Therefore, a user would spend more time downloading an applet, and a server would require extra bandwidth to upload the applet to the user. Since a Web server can be accessed by millions of users, bandwidth can be saved by sending scripts to those users who already have controls. In addition, it is anticipated users will be more willing to use a service that is quicker to download. Using scripts and controls as two separate components is also beneficial because it is possible to upgrade one piece and not the other. This makes it easier to make changes to the graphical interface, e.g., by downloading a new script, without having to require the user to download an entirely new applet. In addition, separate components also allow for concurrent development which may lead to quicker improvements. These are some of the benefits of using scripts and controls as in the present application over applets as described in Anupam.

Furthermore, Gavrilescu fails to cure the deficiencies of Anupam. Gavirlescu does not teach, describe or suggest a second computer having a second script and a second control loaded thereon wherein the second script and the second control are separate components, and downloading, to a first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer, wherein the first script and the first control are separate components. Gavrilescu describes a peer-to-peer cobrowsing technique that is different form the server based technique described in the present application. Therefore Gavrilescu does not cure the deficiency of Anupam.

In addition, Applicants respectfully submit that, claim 1, as amended, should not be rejected under 35 U.S.C. §103(a) because there is no motivation, either explicit or implicit, for one skilled in the art to combine Anupam and Gavrilescu. See *C.R. Bard Inc. v. M3 Sys. Inc.*, 157 F.3d 1340, 48 USPQ2d 1225 (Fed. Cir. 1998) ("the legal conclusion of obviousness requires that there be some suggestion, motivation or teaching in the prior art whereby the person of ordinary skill would have selected the components that the inventor selected and used them to make the new device"). Applicants acknowledge that both the Anupam and Gavilescu references are related to collaborative browsing techniques. However, one skilled in the art would recognize the fundamental differences between the peer-to-peer cobrowsing technique described in Gavrilescu with the server based cobroswing technique described in Anupam. More specifically, in peer-to-peer networks, end users are directly connected to each other through a network, while in a server based network end users are connected to each other through a server in the network. This fundamental difference in the construction of the two networks makes it improper to combine a technique designed for a peer-to-peer network with a technique designed for a server network. For example, if one tried to combine the teachings of Anupam and Gavrilescu, there would be no place for the controller of Anupam to exist in the network described in Gavrilescu because Gavrilescu does not disclose a server. In addition, in the Gavrilescu peer-to-peer technique, the primary Web browser sends synchronization messages to each of the secondary Web browsers. This runs contrary to a server based cobrowsing system where the primary Web browser can send one message to the server and the server forwards the message to each of the secondary Web browsers. Because of the differences in these two network constructions, there is no motivation for one skilled in the art to combine the two references, see *id.*, and even if such a

hypothetical combination were made, it would not result in the invention as claimed. See, e.g., *Texas Instruments v. United States ITC*, 988 F.2d 1165, 26 U.S.P.Q.2d 1018 (Fed. Cir. 1993).

Furthermore, Anupam teaches away from the techniques described in Gavrilescu. When using the applet of Anupam, "no software needs to be installed or maintained on the user computer beforehand, ... system 100 does not require the users to have specialized browser software to take advantage of the inventive service." Anupam at col. 3, lines 24-32. Gavrilescu, being a peer-to-peer technique, describes a collaborative browsing system where the users create a cobrowsing session between the users before cobrowsing can begin. "The initiation of [the] cobrowsing session using SIP [Session Initiation Protocol] begins with initiation of a SIP session, with cobrowsing as a new media type in the Session Description Protocol (SDP) description of the session." Gavrilescu at page 4, paragraph 41. Anupam does not require users to have specialized browser software; thus the system of Anupam is very different from that described by Gavrilescu, which describes a system using a new media type when creating a cobrowsing session.

Accordingly, applicants respectfully submit that, not only is there no motivation, either explicit or implicit, to combine Anupam and Gavrilescu, but that even if such a proposed hypothetical combination was made, the combination would not result in all of the features of claim 1.

Independent claims 11 and 23 of the present application, as amended, are allowable for similar reasons. For example, claim 11, as amended, of the present application recites, *inter alia*, downloading, to a first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer,

wherein the first script and the first control are separate components, and downloading, to a second computer, computer code comprising a second script operable in connection with the second computer for accessing a function of a second control loaded on the second computer, wherein the second script and the second control are separate components. Claim 23, as amended, of the present application, recites a first computer including a first script and a first control that are separate components, and a second computer including a second script and a second control that are separate components. Accordingly, applicants respectfully submit that claims 11 and 23 are distinguishable from Anupam in view of Gavrilescu, at least for the reasons stated above with respect to the rejection of claim 1.

Independent claims 36 and 49, as amended, of the present application, are directed to systems with features similar to those of claims 1, 11 and 23. For example, claim 36 is directed to a system that includes a second computer having a second script and a second control loaded thereon wherein the second script and the second control are separate components, and downloading, to a first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer, wherein the first script and the first control are separate components. Claim 49 is directed to a system that includes a first computer including a first script and a first control that are separate components, and a second computer including a second script and a second control that are separate components. Accordingly, applicants respectfully submit that claims 36 and 49 are distinguishable from Anupam in view of Gavrilescu, at least for the reasons stated above with respect to the rejection of claim 1.

Dependent claims 2, 4-10, 12, 14, 16-22, 24, 30, 34, 37-39, 41-45, 47, 48, 50, 56, 58 and 60 depend either directly or indirectly from one of claims 1, 11, 23, 36 and 49, as amended. Accordingly, applicants respectfully submit that claims 2, 4-10, 12, 14, 16-22, 24, 30, 34, 37-39, 41-45, 47, 48, 50, 56, 58 and 60 are distinguishable from Anupam in view of Gavrilescu, at least for the reasons stated above with respect to the rejection of claims 1, 11, 23, 36 and 49.

Applicants respectfully submit that, not only is there no motivation, either explicit or implicit, to combine Anupam and Gavrilescu, by that such a hypothetical combination does not disclose all of the features of claims 1, 2, 4-11, 12, 14, 16-24, 30, 34, 36-39, 41-45, 47-50, 56, 58 and 60. See *C.R. Bard*, supra and *Texas*, supra.. Applicants further respectfully submit that as set forth above, the inventions recited by those claims are patentably distinguishable over Anupam in view of Gavrilescu, as Anupam fails to teach or suggest the above-discussed elements recited by those claims. Accordingly, applicants respectfully request withdrawal of the rejection of those claims. Applicants further respectfully submit that the inventions recited by those claims are not rendered obvious by any proposed hypothetical combination of Anupam and Gavrilescu and any other prior art of record or with the knowledge of a person of ordinary skill in the art. Early notification of allowance is requested.

In the Office Action, claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 were rejected under 35 U.S.C. §103(a) based on a hypothetical combination of Anupam and U.S. Patent No. 6,356,933 to Mitchell et al. ("Mitchell").

As discussed above with respect to the rejections under 35 USC § 103, independent claims 1, 11, 23, 36 and 49, as amended, of the present application, claim, *inter alia*, a system or method that comprises a first computer including a first script and a first control wherein the first

script and the first control are separate components, and a second computer including a second script and a second control wherein the second script and the second control are separate components. As discussed above, Anupam does not teach, suggest or provide motivation for those limitations, and Mitchell fails to cure that deficiency. See *C.R. Bard*, supra.

Mitchell describes methods and apparatus for transferring data between a client and a server. Similar to Anupam, the method described in Mitchell utilizes a single component, i.e., an application independent client process 114. See Mitchell at column 3, line 50 to column 4 line 15 and Figure 1. User Interface 116 of Figure 1 appears to be a separate component, but user interface 116 is described as a keyboard and a monitor. See Mitchell at column 3, lines 55-59. The script or the control recited in claim 1 of the present application is not the same as a keyboard and monitor. Therefore Mitchell does not cure the deficiencies of Anupam or Gavrilescu.

Accordingly, applicants respectfully submit that the proposed hypothetical combination of Anupam and Mitchell does not disclose all of the features of claims 1, 11, 23, 36 and 49, as amended, of the present application. Dependent claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 depend, either directly or indirectly, from one of claims 1, 11, 23, 36 and 49, as amended, of the present application. Accordingly, applicants submit that claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 are patentable over the proposed hypothetical combination of Anupam and Mitchell, at least for the reasons stated above with respect to claims 1, 11, 23, 36 and 49, as amended, respectively, and respectfully requests withdrawal of the rejection of those claims.

Applicants submit that claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 are patentable over the proposed hypothetical combination of Anupam and Mitchell, and respectfully request withdrawal of the rejection of those claims.

New Claims

By this Amendment, applicants have added new claims 63-74 directed to synchronous Internet navigation and synchronizing scripts for a computer communication medium. Applicants submit that these new claims are patentable over the cited references, either taken alone or in combination.

Conclusion

Applicants have considered the prior art of record, and respectfully submit that none of the references relied upon by the Examiner in rejecting the claims of the present application, considered alone or in any hypothetical combination (between and among each other or with the knowledge of a person of ordinary skill in the art), teach or suggest applicants' invention, as recited by the claims of the present application.

Applicants respectfully request reconsideration of the present application in view of the amendments to the claims and in view of the remarks provided herein. If the Examiner is not in a position to allow all claims as presently amended, the Examiner is urged to call the undersigned

attorney at 212-806-5400. Any additional fees or charges required at this time or in the future in connection with the present application are hereby authorized to be charged to Deposit Account No. 19-4709.

Respectfully submitted,

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